

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CHRISTOPHER J. DAVIS,**

Petitioner,

v.

Civ. Act. No. 06-421-JJF

**RICHARD KEARNEY**, Warden,  
and **CARL C. DANBERG**, Attorney  
General for the State of Delaware,

Respondents.

**MOTION FOR EXTENSION OF TIME TO FILE  
CERTIFIED STATE COURT RECORDS**

1. The petitioner, Christopher J. Davis, has applied for federal habeas relief challenging his July 2005 conviction by guilty plea in Delaware Superior Court for his fourth driving under the influence, reckless burning, offensive touching and terroristic threatening. D.I.

2. The undersigned filed an answer to the petition on November 6, 2006.

2. By the terms of the Court's order, the respondents are directed to attach to the answer certified copies of the state court records material to the questions raised in the petitioner's appeal.

3. Due to the large volume of record retrieval recently required by prosecutors in the appeals division, the undersigned has been unable to obtain the certified state court records in order to file them contemporaneously with the answer. The undersigned anticipates obtaining and copying the records on or before December 1, 2006.

4. Respondents submit that an extension of time to December 1, 2006 in which to file certified copies of the material portions of the state court records in this case is reasonable.

Respondents submit herewith a proposed order.

/s/ Elizabeth R. McFarlan  
Deputy Attorney General  
Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
(302) 577-8500  
Del. Bar. ID No. 3759  
elizabeth.mcfarlan@state.de.us

Date: November 6, 2006

**RULE 7.1.1 CERTIFICATION**

I hereby certify that I have neither sought nor obtained the consent of the petitioner, who is incarcerated and appearing *pro se*, to the subject matter of this motion.

/s/ Elizabeth R. McFarlan  
Deputy Attorney General

Counsel for Respondents

Date: November 6, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that on November 6, 2006, I electronically filed this motion for extension of time to file certified state court records and attachments with the Clerk of Court using CM/ECF. I also hereby certify that on November 6, 2006, I have mailed by United States Service, two copies of the same documents to the following non-registered participant:

Christopher J. Davis  
SBI No. 225275  
Sussex Correctional Institution  
P.O. Box 500  
Georgetown, DE 19947

/s/ Elizabeth R. McFarlan  
Deputy Attorney General  
Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
(302) 577-8500  
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**RICHARD KEARNEY,**

Warden, and **CARL C. DANBERG,**

Attorney General for the State of Delaware,

Respondents.

**ORDER**

This \_\_\_\_ day of \_\_\_\_\_, 2006,

WHEREAS, respondents having requested an extension of time in which to file certified state court records, and

WHEREAS, it appearing to the Court that the requested extension is timely made and good cause has been shown for the extension,

IT IS HEREBY ORDERED that certified state court records shall be filed on or before December 1, 2006.

\_\_\_\_\_  
United States District Judge